

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,

Plaintiff,

-vs-

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
2K GAMES, INC.; 2K SPORTS, INC.; WORLD
WRESTLING ENTERTAINMENT, INC.;
VISUAL CONCEPTS ENTERTAINMENT;
YUKE'S CO., LTD.; AND YUKE'S LA INC.,

Defendants.

Case No. 3:18-cv-966-MJR-DGW

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

NOW COME Defendants TAKE-TWO INTERACTIVE SOFTWARE, INC. ("Take-Two"), 2K GAMES, INC. ("2K Games"), 2K SPORTS, INC. ("2K Sports"), WORLD WRESTLING ENTERTAINMENT, INC. ("WWE"), VISUAL CONCEPTS ENTERTAINMENT ("Visual Concepts"), YUKE'S CO., LTD. ("Yuke's"), and YUKE'S LA, INC. ("Yuke's LA") (collectively, "Defendants"), by and through their Attorneys, and hereby respond to Plaintiff CATHERINE ALEXANDER's ("Plaintiff") Motion for Leave to File First Amended Complaint as follows:

1. Plaintiff filed a complaint against Defendants on April 17, 2018. [Doc. 1].
2. On July 9, 2018, Take-Two, 2K Games, 2K Sports, Visual Concepts, Yuke's, and Yuke's LA moved to dismiss Plaintiff's complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). [Doc. 50]. On the same day, Defendants Yuke's, Yuke's LA, and WWE also moved to dismiss to lack of personal

jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). [Doc. 49, 51]. WWE's Memorandum of Law in Support of its Motion to Dismiss also incorporated by reference the Rule 12(b)(6) arguments asserted by the other Defendants. [Doc. 52]. The motions to dismiss are fully briefed and currently pending before this Court.

3. Plaintiff filed a Motion for Leave to File First Amended Complaint on September 5, 2018. [Doc. 65].

4. Recognizing the liberal amendment rules and in the interest of an orderly proceeding, Defendants write to inform the Court that they do not oppose Plaintiff's filing of the First Amended Complaint.

5. Defendants, however, reserve their right to file a motion to dismiss the First Amended Complaint as it suffers from the same deficiencies as Plaintiff's original complaint.

Dated: September 17, 2018

Respectfully submitted,

/s/ Dale M. Cendali

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/s/ Curtis B. Krasik (with consent)

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YUKE'S CO., LTD.; AND YUKE'S LA INC.,

Case No. 3:18-cv-966-MJR-DGW

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2018, the foregoing document, **Defendants' Response to Plaintiff's Motion for Leave to File First Amended Complaint**, was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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